



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

**JAN 13 2016**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Tom Sawyer, Registered Agent  
Sawyer Construction Co.  
220 West Cloverly  
Fremont, Nebraska 68025

Re: Request for Information Pursuant to Section 308 of the Clean Water Act

Dear Mr. Sawyer:

The U.S. Environmental Protection Agency is investigating the unauthorized placement of fill material into a water of the United States that occurred on property owned by Mr. Charles Folsom within the Elkhorn River in Section 20, Township 18 North, Range 9 East, in Washington County, Nebraska. The EPA received information about this activity from the U.S. Army Corps of Engineers, Omaha District. Specifically, the EPA has learned that, as Mr. Folsom's contractor, your company placed fill material along approximately 1,500 linear feet of the Elkhorn River without obtaining a Clean Water Act Section 404 permit from the Corps. The Clean Water Act includes within the definition of "placement of fill material," "the addition of fill material into waters of the United States" and includes "property protection and/or reclamation devices such as riprap ... and revetments," as well as "placement of pilings in waters of the United States."

Because these fill activities occurred in "waters of the United States," they are potential violations of Section 404 of the CWA. The EPA is requesting that you provide additional information concerning these fill activities.

The EPA is authorized to request this information pursuant to section 308(a) of the CWA. Please provide the information requested below as clearly and completely as possible within ten days of receipt of this letter:

1. Describe in detail the grading and filling work completed by your company for Mr. Folsom. Include in this description the dates of the activities performed as well as a full description of the nature and extent of the work.
2. Provide copies of documents related to any agreement and/or arrangement between you and Mr. Folsom to complete the work described herein, including, but not limited to, contracts, invoices, work plans, and/or correspondence.



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3. Provide copies of any permits and/or correspondence between you and any state and/or federal government agency related to the placement of fill material as described above.
4. Provide information on the type of material you hauled to Mr. Folsom's property, including the source of the material, the type of material, and the quantity of the material.
5. Provide a description of the instructions you received from Mr. Folsom regarding the placement of material on the Elkhorn River.
6. Provide the names and contact information for any other individual(s) that assisted with this work.

As stated previously, your response to this information request must be submitted to the EPA within ten (10) days of your receipt of this letter. Your response to this request must be accompanied by the attached certificate, signed and dated by an authorized representative of your company.

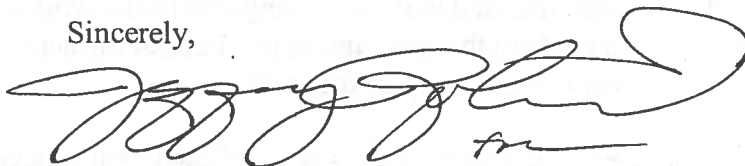
Send the requested information to:

Chris Muehlberger  
Office of Regional Counsel  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 308 of the CWA and 40 C.F.R. § 2.203(b). A confidentiality claim requires certain steps on your part to justify such a claim. If the EPA determines that submitted information is confidential business information, the EPA will take steps to protect the confidential portions of the submitted information. Information covered by such claim will be disclosed by the EPA only to the extent permitted by Section 308.

Although the EPA requests your assistance, your response to these questions is mandatory. Section 309 of the CWA provides civil penalties of up to \$37,500 per day of violation for failing to provide information required under Section 308 of the CWA and criminal penalties for knowingly making a false statement under Section 308. If you have questions regarding this request, please contact Chris Muehlberger at (913) 551-7623 or by email at [muehlberger.christopher@epa.gov](mailto:muehlberger.christopher@epa.gov).

Sincerely,



Karen A. Flournoy  
Director  
Water, Wetlands and Pesticides Division

Enclosure